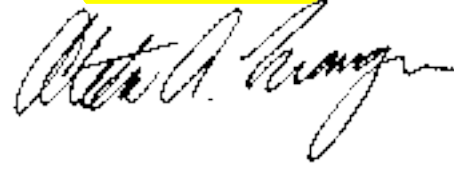


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

Motion DENIED.



JULIUS SUMMERROW,

Plaintiff,

v.

CHATTANOOGA BOILER AND
TANK, and TOM SCHULL and MIKE
McMINN, individually,

Defendants.

No. 3:13-cv-0297

Judge Aleta Trauger

Magistrate Judge John Bryant

**DEFENDANTS' MOTION FOR RULE 16 TELEPHONE CONFERENCE
OR TO ASCERTAIN STATUS**

Defendants, CBT Manufacturing, Inc., improperly identified in the Complaint as Chattanooga Boiler and Tank, Tom Shull¹ and Mike McMinn, respectfully file this Motion for Rule 16 Telephone Conference or to Ascertain Status to address pending issues in this case.

1. On August 20, 2013, the Court set a trial date of **October 7, 2014**. (ECF No. 14).
2. Defendants filed a Motion to Dismiss the claims against the individual Defendants on September 23, 2013. (ECF No. 21).
3. An Agreed Stipulation of Dismissal as to the individual Defendants was filed on November 6, 2013. (ECF No. 27).
4. Defendants filed a Motion for Summary Judgment with respect to all claims on May 20, 2014. (ECF No. 33). No response has been filed.
5. Instead, Plaintiff's counsel filed his Motion to Withdraw on June 17, 2014. (ECF No. 34). That motion has been granted. (ECF No. 39).
6. At the same time, Plaintiff's counsel moved for a stay of proceedings. That motion has been denied. (ECF No. 39).